

APPEAL NO. 030995
FILED MAY 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 19, 2003. The hearing officer determined that the appellant's (claimant) _____, compensable injury does extend to and include an injury to her left foot, but does not extend to and include the claimant's reflex sympathetic dystrophy (RSD) or lumbar radiculopathy. The claimant appealed the hearing officer's determinations regarding RSD and lumbar radiculopathy. The respondent (carrier) responded, urging affirmance. The determination regarding the left foot is unappealed and has become final. Section 410.169.

DECISION

Reversed and remanded.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the hearing. See Texas Workers' Compensation Commission Appeal No. 93809, decided October 25, 1993. The record in this case is contained on two audiotapes. The hearing file contained two audiotapes marked one of two and two of two. The audiotape marked two of two is merely a duplicate of the audiotape marked one of two and our review of the tape reveals that the claimant was on cross-examination at the end of the first tape. We attempted to obtain the second tape from the field office; however, our attempt proved unsuccessful. Accordingly, we must remand this case for reconstruction of the record. See Texas Workers' Compensation Commission Appeal No. 960968, decided July 3, 1996.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202, which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **AMERICA FIRST INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Robert W. Potts
Appeals Judge